THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5633 of 2007

10-04-2007

Between:-

Rolls-Royce Marine India Limited,
A Company incorporated under the
Companies Act, 1956, having its
Registered Office at
103 Windsor, Kalina,
Santacruz (East)
Mumbai, 400 098,
(Through its Managing Director,
Gary Wieland)

Petitioner

And

Union of India,
Through Ministry of Shipping,
New Delhi and three others.

Respondents

W.P.M.P.No. 8746 of 2007

Between:

Rolls-Royce Marine India Limited,
A Company incorporated under the
Companies Act, 1956, having its
Registered Office at
103 Windsor, Kalina,
Santacruz (East)
Mumbai, 400 098,
(Through its Managing Director,
Gary Wieland)

Petitioner/Petitioner.

And

Union of India,
Through Ministry of Shipping,
New Delhi and three others.
Respondents.

W.P.M.P.No. 9230 of 2007

Between:

M/s. Marine Jet Power AB,
A company incorporated in Sweden,
Having its principal office at
Se 748 01 Osterbyburk, Sweden,

Also through:
M/s. Dynatron Services,
205/206, Pragati House,
D-5, Defence Colony,
New Delhi—110 024.

Applicant/Respondent No.4

And

Rolls-Royce Marine India Limited,
A Company incorporated under the
Companies Act, 1956, having its
Registered Office at
103 Windsor, Kalina,
Santacruz (East)
Mumbai, 400 098,
(Through its Managing Director,
Gary Wieland) and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.M.P.No. 8746 of 2007;
W.P.M.P.No. 9230 of 2007
and
W.P.No.5633 of 2007

Oral order:

Sri L. Ravichander, learned counsel for the writ petitioner filed W.P.M.P.No. 8746 of 2007 for withdrawal of the writ petition.

This application is resisted by the fourth respondent in the writ petition contending that in view of the interim orders passed by this Court on 20-03-2007, the withdrawal simpliciter of the writ petition would enable the second respondent to assume that the observations in the interim order of this Court dated 20-03-2007 subsist despite the dismissal of the writ petition as 'withdrawn'.

Learned counsel for the petitioner and the fourth respondent have endeavoured to make submissions as

to the validity of the intimation addressed by the second respondent to these parties on
15-03-2007, (a) calling upon the petitioner to reduce the price quoted in the tender of the petitioner dated 23-12-2006 and (b) calling upon the fourth respondent to submit a technical proposal for water jet equipment model No. MJP 750 as per tender specification and TNC, respectively.

Since the writ petition is being dismissed as 'withdrawn', as requested on behalf of the petitioner, it is not necessary to assay an opinion on this contested position.

Suffice it to record that with the dismissal of the writ petition as 'withdrawn' and not on merits, the interim order dated 20-03-2007 including all the observations thereat are comprehensively effaced and *ab initio*. This is the legal position and the dismissal of the writ petition as 'withdrawn' does not mark out a distinction to this established position.

The writ petition is accordingly dismissed as 'withdrawn'. Consequently, the interlocutory petitions – W.P.M.P.No. 8746 of 2007 and W.P.M.P.No.9230 of 2007 -- are also disposed of. No costs.

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GODA RAGHURAM, J

Dated:10-04-2007
Pvks/*

Nb: Furnish c.c. in two days.
B/o pvks/*